

REMARKS/ARGUMENTS

Claims 1, 5, and 7-11 are pending in the present application. Claims 2-4, 6, and 12-25 are canceled. Claims 1, 5, and 7-11 are amended. Applicants are not conceding in this application that these claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious issuance of the application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Support for the amendments to the claims is located at least in the previous draft of the claims and in the specification on page, lines page 10, line 12, through page 11, line 9; on page 11, line 19, through page 14, line 2; on page 15, line 25, through page 16, line 15; on page 18, line 9, through page 19, line 26; and in **Figures 3, 4, 6, 7, and 9**. Reconsideration of the claims is respectfully requested.

I. Telephone Interview

Applicants thank Examiner Maceeh Anwari for the courtesies extended to Applicant's representatives with respect to scheduling a telephone interview. The Examiner indicated that a telephone interview could be conducted after the end of quarter.

II. 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 1-25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

The applicant has recited the limitations of "at least one resource specification" and "at least one monitor specification" along with "a resource specification". There is insufficient antecedent basis for these limitations in the claims.

Office Action dated April 21, 2008, pp. 2-3.

The claims are amended to overcome this rejection. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-25 under 35 U.S.C. § 112, second paragraph.

III. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-25 under 35 U.S.C. § 102(e) as being anticipated by *Kundu*, U.S. Patent Application Publication Number 2005/0132041. This rejection is respectfully traversed.

As amended, claim 1 reads as follows:

1. A method for provisioning resource monitors, the method comprising:
 - providing at least one monitor specification, wherein a monitor specification includes a definition of parameters for a resource monitor, wherein the monitor specification includes both a deployment profile specification for deploying the resource monitor and a response profile specification for modifying and removing the resource monitor, wherein the deployment profile specification defines a list of parameters that must be defined to deploy each instance of the resource monitor, and wherein the response profile specification defines parameters that are returned by deploying the resource monitor;
 - providing at least one resource specification, wherein a resource specification includes a definition of parameters that must be defined for each instance of a resource, wherein the resource is the resource to be monitored, and wherein the resource specification identifies a type of resource monitor to use for monitoring the resource that complies with the resource monitor;
 - associating the at least one monitor specification with the at least one resource specification to form at least one resource monitor instance configuration profile, wherein at least one instance of the resource monitor is assigned to at least one instance of the resource;
 - storing the at least one resource monitor instance configuration profile;
 - retrieving a resource monitor instance configuration profile for an instance of a given resource monitor assigned to an instance of a given resource;
 - receiving a selection of the given resource monitor to be provisioned for the instance of the given resource, wherein a monitor configuration profile is defined for the selection of the given resource monitor in association with the resource monitor instance configuration profile;
 - receiving at least one value for a parameter for the given resource monitor, wherein the monitor configuration profile includes the at least one value for a parameter;
 - storing the monitor configuration profile for the given resource monitor in association with the instance of the given resource; and
 - deploying the given resource monitor in accordance with the monitor configuration profile.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that *Kundu* does not identically show every element of the claimed invention arranged as they are in the claims. Specifically, *Kundu* does not teach or suggest each and every feature as recited in amended independent claim 1.

Kundu does not teach or suggest “providing at least one monitor specification, wherein a monitor specification includes a definition of parameters for a resource monitor, wherein the monitor specification includes both a deployment profile specification for deploying the resource monitor and a response profile specification for modifying and removing the resource monitor, wherein the deployment profile specification defines a list of parameters that must be defined to deploy each instance of the resource monitor, and wherein the response profile specification defines parameters that are returned by deploying the resource monitor,” as recited in amended claim 1. In addition, *Kundu* does not teach or suggest that “the resource specification identifies a type of resource monitor to use for monitoring the resource that complies with the resource monitor,” as recited in amended claim 1. Additionally, *Kundu* does not teach or suggest “retrieving a resource monitor instance configuration profile for an instance of a given resource monitor assigned to an instance of a given resource; receiving a selection of the given resource monitor to be provisioned for the instance of the given resource, wherein a monitor configuration profile is defined for the selection of the given resource monitor in association with the resource monitor instance configuration profile; receiving at least one value for a parameter for the given resource monitor, wherein the monitor configuration profile includes the at least one value for a parameter; storing the monitor configuration profile for the given resource monitor in association with the instance of the given resource; and deploying the given resource monitor in accordance with the monitor configuration profile,” as recited in amended claim 1.

In view of the above, Applicants respectfully submit that *Kundu* does not teach each and every feature of amended independent claim 1, as is required under 35 U.S.C § 102(e). In addition, *Kundu* does not teach each and every feature of dependent claims 5 and 7-11 at least by virtue of their dependency on claim 1. Claims 2-4, 6, and 12-25 are canceled. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-25 under 35 U.S.C § 102(e).

IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference(s) and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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